



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



**LETTER OF DEFICIENCY
WET 2002-19**

June 12, 2002

8 Ruppert Road LLC
C/o Bill Ducette
11 Bonney Shores Rd
Meredith, NH 03253

R DES Wetlands file #2000-01645, 8 Ruppert Road, Moultonborough

Dear Mr. Ducette

On May 22, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 17 as Lot 45 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and file review, the following was documented

- Stones had been placed along the beach front.
2. Steps were placed along the frontage.
3. Three 5 foot by 20 foot sections of aluminum dock were located on shore.
4. A dredge and fill permit application was filed with DES on July 30, 2000. A request for more information was sent to you on December 19, 2000.
5. On January 4, 2002, the application file was closed because the requested information had not been received.

In response, you are requested to take the following actions

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for the removal of the rocks and the steps on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with lake elevation at normal high water as measured for Lake Winnepesaukee (504.32 feet above sea-level); and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay

bales, etc) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
- 2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 - 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.
 - 4. Also, please keep in mind that according to the information submitted in your permit application, the preexisting dock was approximately 4' by 53'. Any dock currently maintained on the Property should conform to those dimensions.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreline Investigator
Wetlands Bureau
Department of Environmental Services

6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Mr. Blecharczyk at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 70993400000306953017

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
David Killoy, USACOE